UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

KATHLEEN ANN MARTIN,]	
Plaintiff,]]]	No. 3:09-566
v.	j	JUDGE HAYNES
DIRECT INSURANCE, Defendant.]]]]	
	ORDER	

Plaintiff, Kathleen Ann Martin, filed this <u>pro se</u> action against the Defendant Direct Insurance. Plaintiff's claims arise from an automobile accident on April 11, 2008 in which Plaintiff was injured by the Defendant's insured. Plaintiff's complaint alleges that both she and the Defendant are Tennessee residents. Plaintiff does not identify any non-Tennessee resident who is a party to this action.

Plaintiff bears the burden to meet the pleading requirements necessary to establish the Court's jurisdiction. Gibbs v. Buck, 307 U.S. 66, 71 (1939). From the nature of her claim, the Plaintiff is asserting state law claims, but there is not a complete diversity of parties because the Plaintiff and the Defendant are both alleged to be from Tennessee. Complete diversity of the parties is required for diversity of jurisdiction. Rossum v. Kilgore Corp., 692 F.Supp. 796, 798 (W.D.Tenn. 1988).

Without an ascertainable for the basis of federal jurisdiction, the Court concludes that this action is **DISMISSED without prejudice** to any of the Plaintiff's underlying claims under state law.

It is so **ORDERED**.

ENTERED this the 2009 day of November, 2009.

WILLIAM J. HAYNES, JR United States District Judge